

GRANTING PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY, ETC.

MAY 11, 1910.—Ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 24148.]

The Committee on Pensions, to whom was referred the bill (H. R. 24148) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., have examined the same and report:

The report of the Committee on Pensions of the House of Representatives, hereto appended, is in part adopted, and the passage of the bill is recommended when amended as set out at the close of this report, the reasons for such amendments being there stated.

[House Report No. 953, Sixty-first Congress, second session.]

The Committee on Pensions, to whom was referred sundry bills granting pensions and increase of pensions for certain soldiers and sailors of the Regular Army and Navy, etc., submit the following report:

This bill is a substitute for the following House bills referred to said committee:

H. R. 1428. Mayme E. Lacourciere.
10499. Frank J. Kendrew.
11914. Lawrence A. Bagby.
12205. Raymond P. Snow.
14345. Antonia Feldman.
14443. William W. Cravens.
14454. Mary F. Woodward.
14988. Oscar C. Bennett.
15009. Rachel Savage.
15349. William B. Banks.
17014. Thomas H. Rawl.
17662. Denver D. Barnes.
18727. James Bond.

H. R. 19316. John Armstrong.
19809. Frank Kubacki.
20185. Harriet P. Lemly.
21401. John M. Bates.
21960. Charles E. Herrington.
22292. Clair R. Black.
22344. James P. H. Wilson.
22348. David McFadden.
22349. William A. White.
22748. James E. Wright.
22750. Israel S. Standefer.
22752. Levi D. Ladd.

H. R. 1428. Mayme E. Lacourciere, Oconto, Oconto County, Wis., is the widow of Joseph W. Lacourciere, who was a private soldier of Company M, Second Regiment Wisconsin Volunteer Infantry, war with Spain, from April 28, 1898, to November 9, 1898, when mustered out with his company.

During service the soldier was treated for gastralgia (pain in stomach) from August 6 to 26, 1898. At discharge he claimed to have that disease and the examining surgeon found it disqualifying in slight degree only for manual labor.

The soldier filed no claim for pension, and died August 18, 1907, of stone in kidney and appendicitis, as shown by the death record.

The captain of the soldier's company testified that he was sick about July 15, 1898, but he does not know of what disease.

Minnie M. Hopkins, M. D., stated that she treated the soldier in October, 1898, for chronic dysentery.

A comrade testified that the soldier was ill in Porto Rico twice and that ever afterwards he complained of bowel trouble.

C. E. Armstrong, M. D., testified to treatment for chronic diarrhea in December, 1899, and at various intervals up to May, 1907, he came to the doctor's office complaining of pain in his back. In the month named he was attacked with severe venal colic and same symptoms of appendicitis and was confined to his bed a week or more and never went to work again. He was operated upon in July, 1907, and never recovered. His health was never good after his discharge.

In an affidavit filed with the bill in the Sixtieth Congress, Doctor Armstrong testified to the same state of facts, but fixed his first treatment as June, 1899.

The soldier's captain had an affidavit filed in the Sixtieth Congress in which he said the soldier was sick July 15 to 29 and August 18 to 26, 1898; that he was in good health up to enlistment and in poor health after his discharge.

Evidence filed with the bill shows the dates of birth of five children, as follows: December 15, 1900; August 10, 1902; February 3, 1904; April 12, 1905; and October 10, 1906.

The evidence also shows that the petitioner owns a house and lot worth about \$750; that she has an income of \$120 a year and that the children are dependent on her; that she is in frail health and unable to earn money or do other work than take care of her children.

Upon consideration of all the evidence, your committee are of the opinion that pension should be allowed at the rate of \$12 per month, and \$2 per month additional for each of the soldier's minor children until they respectively attain the age of 16 years.

H. R. 10499. Frank J. Kendrew, 22 Clifford street, East Hampton, Mass., has an honorable record as a private soldier of Company F, Eleventh Regiment U. S. Cavalry, having served during the war with Spain from April 6, 1898 to November 4, 1901, when discharged on a surgeon's certificate of disability by reason of heart disease therein stated to have been incurred prior to enlistment.

He made application for pension under the general law July 11, 1906, and alleged that at Fort Ethan Allen, Vt., in September, 1901, while in the line of duty with his troop he fell from his horse while at a gallop and sustained injuries which resulted in paralysis of the right side, severe nervous shock, heart disease, etc. The claim was rejected February 2, 1908, as to injury of right side and left hand, impaired vision of right eye, on the ground of no ratable disability. Paralysis of right side was rejected upon legal grounds that the record, medical and other evidence, failed to show its origin in the service and continuance thereafter. The medical referee further stated that papers

would not warrant an opinion that paralysis was the result of the alleged injury.

It is shown by the official records that soldier was aged 24 years at enlistment, received medical treatment June 8-17, 1901, results of exposure; July 30-August 8, 1901, lumbago; September 16-November 4, 1901, gastritis and tonsilitis; all the foregoing in the line of duty; and from October 1, 1900, to discharge, for heart disease.

The examination at enlistment disclosed the presence of varicose veins of right leg and left arm.

Medical examination was had by the board at Middletown, Conn., November 21, 1906, which reported the condition of the heart normal; some slight enlargement of tendon of left hand; eyes normal. The board described his condition in detail with regard to paralysis and recommended therefor a rating of \$17 per month. As to origin of the alleged injuries an army surgeon replied to an inquiry addressed him through military channels to the Pension Bureau that he recalled treating the soldier for injuries sustained in falling from his horse, but could not remember giving treatment for paralysis resulting from such injuries.

One comrade, Charles F. Coleman, shown to have been present at the time and place indicated and therefore in a position to have knowledge of the facts, testified in the claim that about September 1, 1901, he (Coleman) was in hospital at Fort Ethan Allen when Kendrew was brought in badly injured by a fall from his horse, and still remained in the hospital when Coleman was discharged at the last of the month.

The earliest medical evidence following discharge is that of Dr. C. J. Sparks, of Easthampton, Mass., who stated that in March, 1902, soldier came under his care afflicted by disease of kidneys and was then in the early stages of locomotor ataxia; that the treatment since continued during the ensuing five years for progressive spinal sclerosis, which wholly incapacitated him for labor up to the time of filing his claim for pension. Doctor Sparks testified that there were no indications of vicious habits.

The certificate of disability for discharge states, by the company commander, that soldier became unfit for duty September 16, 1901, because of heart disease which existed prior to enlistment, and that also information leading to its cause or circumstances could not be obtained.

A similar certificate was made by the army surgeon.

An affidavit with the bill by Doctor Sparks states that the spinal trouble was doubtless caused by traumatism or injury, and that soldier has reached the third and last stage of paralysis and emaciation, being unable to dress or feed himself.

An affidavit by one of the town assessors states that claimant possesses no assessable property.

After full consideration of the history of this case, your committee believe the soldier's present condition is due to his military service, and recommend the allowance of pension at the rate of \$17 per month.

H. R. 11914. Lawrence A. Bagby, Pearl, Pike County, Ill., was a private soldier of Company A, Fifth Regiment Illinois Volunteer Infantry, during the war with Spain, having been enlisted April 25, and honorably discharged and mustered out with his company October 16, 1898.

He made application for pension under the general law April 6, 1907, and again September 23, 1907, alleging rheumatism and liver disease

incurred at Chickamauga, Ga., during the month of June, 1898. His claim was rejected April 6, 1908, upon legal grounds that there was no record in the War Department and no medical or other sufficient evidence to show the incurrence of such disabilities in the military service or their continuance thereafter.

Evidence since filed by the claimant in May and June, 1908, has been held by the bureau insufficient to warrant reconsideration.

The War Department report shows that soldier enlisted at the age of 37 years, and was examined for physical defects and none found save a left varicocele. The medical records do not afford any information as to treatment during service.

The soldier is recorded as having declared at muster out that he suffered no impairment of health, in which his captain and the examining surgeon apparently concurred. It is known that these statements are entitled to little weight in determining the merit of a claim.

Soldier was examined by the board of surgeons at Louisiana, Mo., December 4, 1907, who reported:

Rheumatism: Crepitus felt in right wrist and both shoulders; no limitation of motion. Crepitus felt in right knee, and it is one-half inch larger than left. * * * Tender along course of right sciatic nerve and in dorsal region.

Heart: Apex impulse not seen, but feebly felt in normal interspace. Epigastric impulse plainly seen. Area of dullness normal; regular in rhythm and no murmurs. No cyanosis, edema, or dyspnea. Rating for rheumatism, \$6.

Liver: Tongue red, not coated; skin not icterosed. Stomach retracted, tender, and flat; very tender over liver, and liver dullness extends up to sixth rib. Liver is enlarged. Rating, \$8.

The claimant filed an affidavit by Comrade Lewis M. Smith and another by Comrade Loren Main to the effect that while at Chickamauga Park he was taken with pains in the right side, and claimant then stated that he believed them to be pleuritic; that after discharge these pains continued at intervals of from one to three weeks until November, 1906, when they became so severe that he consulted Dr. F. M. Thurmon and for several months was bedfast.

Doctor Thurmon testified that he treated the soldier from November, 1906, to February, 1907, for chronic liver trouble and chronic rheumatism affecting principally the right knee.

Dr. W. H. Garrison stated that he examined the soldier in January, 1907, and thereafter treated him for several months for severe pain and tenderness in the region of the liver; that same was contracted and hardened. Both of these physicians stated that soldier was almost entirely unable to perform manual labor, and in the opinion of one, Doctor Thurmon, would never have full use of his physical powers.

Similar testimony was given by Dr. J. H. Cromwell.

The evidence with the bill consists of two affidavits by Doctor Thurmon, showing that the liver and rheumatic conditions are still present and gradually growing worse and incapacitate the soldier from active labor to the extent of about one-half.

Other affidavits show that his physical condition prevents him from obtaining employment sufficient to support himself.

The evidence, your committee believe, fairly well shows the service origin of the alleged disabilities, and entertaining that belief they respectfully recommend the allowance of pension at the rate of \$12 per month.

H. R. 12205. Raymond P. Snow, Jessup, Iowa, was second lieutenant of company E, Forty-ninth Regiment Iowa Volunteer Infantry

during the war with Spain, from April 26, 1898, to January 31, 1899, when discharged on account of disability.

The War Department records show (in report with pension claim) no medical record, but absent with leave from September 7 to December 5, 1898, and from January 1 to 31, 1899. That department, in a letter dated March 14, 1910, to this committee, reports:

The records show, however, that a leave of absence for thirty days was granted him September 6, 1898, upon his application by letter dated September 6, 1898, in which he stated that he requested the leave on account of sickness and poor health. While absent from his company he submitted medical certificates dated November 11, 1898, and December 17, 1898, from A. G. Shelitto, M. D., and Emory Sherman, M. D., who testified that they were regular practicing physicians in Buchanan County, Iowa, and that Lieutenant Snow was unable to perform military duty on account of an attack of typhoid fever and disability resulting therefrom, and, further, that his feet swelled and caused him much trouble if he was on them to any extent. Upon these certificates his leave of absence was extended by this department to and including January 31, 1899. On February 1, 1899, an order was issued by this department, Special Orders, No. 26, Headquarters of the Army, Adjutant-General's Office, in which it was announced that, by direction of the Secretary of War, Second Lieut. Raymond P. Snow was discharged the service on account of physical disability, to take effect January 31, 1899.

The pension claim filed August 16, 1900, was rejected September 25, 1901, because no ratable disability was shown from typhoid fever and piles and effects, the alleged causes for pension. Reopening was denied in January, 1902, and November, 1904.

A medical examination, made December 5, 1900, disclosed some heart trouble, rated at \$7.50; some stomach and bowel trouble and engorged hemorrhoidal veins; rated \$7.50 for disease of stomach and \$3.75 for piles.

Medical examination July 17, 1901, found a congested condition, tender and sore, of rectum, veins enlarged, and tendency to hemorrhoids actually present. No external tumors. Heart irritable and irregular. Rating for bleeding piles, \$11.25.

An examination made on May 7, 1902, disclosed cardiac sounds moderately, somewhat irregular after excitement; moderate debility, due to indigestion. Stomach and bowels much disturbed with gases. Collapsed hemorrhoidal tumors.

Medical evidence, July, 1901, showed several different attacks of fever of varying duration, temperature ranging from 103 to 105. Treatment, November, 1901, since January 10, 1900, for valvular heart trouble, poor circulation, with subnormal temperature, also piles, due in the physician's opinion to typhoid fever in service. Pulse from 62 to 130 per minute, spells frequently, with temperature as high as 106.

Lay testimony shows inability to work from August, 1900, to October, 1901.

Medical evidence, November, 1904, shows heart trouble similar to that above described since July, 1903, and treatment for typhoid fever from September 22, 1898, until convalescent and for several months following. The physician states that he was troubled with piles during that time and with swelling of the feet and legs; his treatment extended to December, 1899, and was for general weakness, piles, and swelling of feet, results of typhoid fever.

Filed with the bill is the testimony of three physicians, who describe heart trouble of a character due to typhoid fever and to a knowledge of that condition for four years, and they express the opinion that the disease is a result of typhoid fever.

It is the opinion of your committee that this claim is established on the evidence, and they respectfully recommend the allowance of pension at the rate of \$17 per month.

H. R. 14345. Antonia Feldman, 2449 Nicholas street, Philadelphia, Pa., is the widow of Frederick W. Feldman, who was a private of Troop H, First Regiment U. S. Cavalry, from February 20, 1882, to August 6, 1889, when he was honorably discharged a sergeant, by way of favor, upon his own request.

The medical records show treatment as follows: August 28 to September 2, 1882, for intermittent fever; October 7 and 8, 1882, constipation; October 9 to 12, 1882, intermittent fever; October 24 to 31, 1882, contusion of face; November 8 to 10, 1882, intermittent fever; January 18 to 24, 1883, tonsillitis; September 23 and 24, 1884, acute bronchitis; March 15 to April 27, 1885, diphtheria (croupus), returned to duty, cure complete; October 10 to 12, 1885, catarrh, cure complete; January 16 to 22, 1886, acute bronchitis, cure complete; July 28 to September 17, 1888, gonorrhoea acute, gonorrhoeal cystitis, cure complete; and February 25 to March 13, 1889, contusion, right ankle.

On October 8, 1892, the soldier applied for pension on account of injury of left leg, knee, and ankle, rheumatism, and deafness of both ears, as a result of diphtheria. That claim was rejected March 20, 1910, on the ground of no disability from the alleged causes since date of filing.

Medical examination by a board of surgeons, made August 5, 1897, disclosed no symptom of rheumatism, deafness, or injury of leg, ankle, or knee. The board stated:

Claimant states his throat gives him no trouble. Examination develops a pronounced case of nasopharyngeal catarrh, * * * ears not involved. Rate for catarrh, \$4.

The soldier died, as shown by record evidence, May 23, 1904, of croupous pneumonia.

Mrs. Feldman's claim for pension, filed February 24, 1905, was rejected November 16, 1907, on the ground that the soldier's death was not shown to be due to his military service. Appeal from that action was approved by the Secretary of the Interior December 18, 1907, and again, after additional evidence was filed, October 14, 1908.

Lay evidence showed frequent attacks of throat and lung trouble from 1890 to 1904, and medical evidence, by family physician, showed frequent attacks of laryngitis and bronchitis, the last attack being followed by pleuro-pneumonia in May, 1904, for six years preceding his death.

One comrade testified that from 1887 to August, 1889, the soldier complained of having some trouble with his throat; that he saw him at times up to 1895 or 1896, and he complained the same way.

In answer to a hypothetical question, 10 physicians, in an unsworn statement, gave it as their opinion that: "There is a connecting link between the croupous diphtheria and the pneumonia of which he died."

With the facts before him the medical referee of the Pension Bureau stated in writing that from a medical standpoint the soldier's death from croupous pneumonia can not be accepted as having any pathological connection with any disability of record.

With the bill is filed evidence showing that the claimant is a woman in very poor health, with four children, born respectively in 1892, 1897, 1899, and 1903, without financial resources or means of support of any kind except \$4 per week earned by one daughter.

There may be a question of doubt in this case as to the actual connection between the soldier's death cause and his military service, as there is a difference of opinion between the doctors on that point. Upon consideration your committee are of the opinion that such doubt as may exist should be resolved in favor of the claimant, and they therefore recommend the allowance of pension at the rate of \$12 per month, with the usual \$2 increase for each of the children of the soldier under the age of 16 years.

H. R. 14443. William W. Cravens, Lovington, Ill., was a private soldier of Company H, Twenty-ninth Regiment U. S. Infantry, during the war with Spain, from August 15, 1899, to May 10, 1901, and was a private, first class, of the Twenty-second Company Coast Artillery from March 9, 1905, to September 10, 1905, when transferred to the Hospital Corps, U. S. Army, from which he was honorably discharged May 6, 1906, under the act of June 16, 1890.

On December 16, 1907, the soldier applied for pension based on disease of lungs alleged to have been contracted in his last service, only a week or two prior to his discharge.

The claim was exhaustively specially examined and rejected October 15, 1909, on the ground of no record or other evidence of origin in service, and the evidence in the case does not establish that the alleged cause of disability was contracted in or is otherwise due to the military service.

The record is negative and shows very clearly that disease of lungs did not exist at enlistment. The testimony in the case is voluminous. The soldier claims to have been subjected to a severe drenching in a rain storm April 25, 1906, to then have developed a cough which has since continued, and to have been pronounced a consumptive within a few days after discharge. He also claims to have been associated with tuberculosis patients and to have been employed waiting upon one who was being moved from one point to another when he got wet on April 25.

Dr. Cary A. Snoddy, first lieutenant and assistant surgeon, U. S. Army, states that he was stationed at Fort Barrancas, Fla., when the soldier claims to have contracted his disability, in the spring of 1906; that he knew the soldier then as a private in the Hospital Corps, and first knew him about February 13; at that time his health seemed to be excellent; that he only remembers two occasions when there was anything wrong with him. The first time was while he was nursing in the hospital ward; while visiting the ward the witness heard a severe cough, and on inquiring of the ward master was told that it was the soldier; the witness then had the soldier go to his office, where he prescribed for him for a cold. The next time the witness noticed anything wrong with the soldier was during an operation on a patient, when he had to be excused from the operating room on account of his cough. The witness stated that he diagnosed the trouble as cough affecting the chest. He fixed the time of first notice of the cough as being when a certain patient was in the ward with tuberculosis. This witness's testimony corroborates the soldier's statement as to the existence of the cough and to his exposure with tuberculosis patients.

J. H. Vadakin, M. D., testified that he made a microscopic examination of the soldier's sputum a very short time after his discharge and found tuberculous bacilli, and treated him for that trouble.

The claimant's wife testified that the soldier came home in May, 1906, and that they were married June 9, 1906. She states that: "The first evening he came back to Bethany (where they lived) we went to a show and he felt so bad we had to get up and leave. He seemed to have a cold. He was coughing. I noticed while at the show that he coughed a great deal."

There is some testimony to the effect that the soldier had a cough at times between his two services, and some which indicates that he did not have any apparent ill health for several months after discharge, but the preponderance of the evidence corroborates his claim that he had the cough from his arrival at home the first part of May, 1906, and the medical testimony above alluded to shows clearly that he had it in service.

Two physicians, in affidavits filed with the bill, state that the soldier, whom they examined on February 7, 1910, is disabled by his lung trouble so as not to be able to perform manual labor. He was rated by the government board of examining surgeons at \$15 per month, September 16, 1908.

Considering the case as a whole, your committee are clearly of the opinion that the evidence sufficiently connects the alleged lung trouble with the military service to warrant them in recommending the allowance of pension at the rate of \$15 per month.

H. R. 14454. Mary F. Woodward, Oyster Point, Warwick County, Va., is the widow of Joseph J. Woodward, late naval constructor, with rank of captain, United States Navy. She is pensioned at the rate of \$30 per month allowed by law to widows of officers of the stated rank.

It is shown by the official records that Captain Woodward entered the service as a midshipman June 27, 1877, and was promoted through the successive grades to the rank of captain from April 19, 1900. His death occurred July 6, 1906, in the service.

Mrs. Woodward was married to the officer June 10, 1897, and is the mother of his son of about 9 years of age. She files an affidavit with the bill stating that she has no source of income for her support and that of her child save her pension and an affidavit from her physician to the effect that she is not physically strong.

This case, under the conditions shown, is not unlike many which have heretofore received the favorable action of Congress. Your committee therefore recommend the allowance of pension at the rate of \$40 per month and the additional sum of \$2, usually allowed, for the officer's minor child in lieu of the pension now received.

H. R. 14988. Oscar C. Bennett, Kaysville, Utah, was a member of Company C, Sixteenth Regiment U. S. Infantry, from March 14, 1892, to June, 1903, when transferred to Company B, Twelfth Regiment U. S. Infantry, from which he was discharged March 19, 1906. He held different ranks during service, from private to first sergeant.

He is pensioned at \$8 per month, on account of dysentery, and bases his petition for additional pension by special act on left inguinal hernia alleged to have been contracted at Dupax, P. I., about February, 1901. His application for pension was filed April 30, 1906, six weeks after his final discharge. The claim was rejected October 30, 1908, on the

ground of no record and the failure of the evidence to show incurrence in service or existence at discharge.

The soldier contends that when he incurred his hernia he was in charge of a detachment 20 miles from his company, with no medical aid nearer than the headquarters of his company. He reenlisted once after the date when he claims to have been ruptured, and he states that upon that reenlistment the officer told him if he were a recruit he would not pass him.

The soldier had considerable medical treatment for different causes, but none for hernia.

Capt. J. E. Woodward, of the soldier's company, certified under date of November 19, 1906, that he remembered the soldier very well and that—

I remember that he was a strong, able-bodied man and that at some time while in the service he injured himself while on duty. I was informed that he had incurred a hernia and that it became necessary to operate on him for same.

The time, place, and circumstances are not at this time clear to me.

William Plesier, retired first sergeant, testified, in an affidavit executed November 1, 1906, that he was in Company C, Sixteenth Regiment, U. S. Infantry, with the soldier from March, 1892, to September, 1901, and that—

During the summer of 1901, Sergeant Bennett had charge of a detachment at Dupax, P. I., receiving supplies and furnishing transportation for same from that place to Solomo, and when unpacking a mule he slipped and ruptured himself on left side. There was no hospital at Dupax, and for that reason he did not go on the sick report. I was first sergeant of Company C, Sixteenth Infantry, from the latter part of 1898 until I retired in 1901.

Morris I. Myers, of the same company, testified to substantially the same as to incurrence of hernia.

The service of these witnesses has been verified by the reports from the War Department.

Upon medical examination made August 1, 1906, left inguinal hernia was shown, and the different examinations since made show its continuance.

Evidence filed with the bill does not relate to the service origin of the hernia.

While there is no record evidence of the incurrence in service of the alleged hernia, the evidence of the captain and two comrades alluded to, taken in connection with the claim therefor filed within six weeks after discharge, makes it not unreasonable to believe that the disability was contracted in service as alleged. Your committee are of the opinion that the disability was so contracted, and respectfully recommend the allowance of pension at the rate of \$16 per month in lieu of the present rate.

H. R. 15009. Rachel Savage, Celina, Tenn., was pensioned January 26, 1882, from May 24, 1881, as the widow of Leven Savage, who was a private in Capt. James Gholson's company, Kentucky Militia, in the war of 1812.

The pensioner's name was dropped from the pension roll November 4, 1896, by reason of open and notorious adultery, prohibited by the act of August 7, 1882.

The claimant is now about 63 years of age, and asks for pension under a private act because of her poverty, being without property or

income, and for the reason that she is now leading an upright life. She states that she is decrepit, broken, and enfeebled by age.

Four witnesses, certified by the deputy county clerk of Clay County, Tenn., as credible, corroborate the petitioner's statement in an affidavit executed November 8, 1909.

Under the conditions shown, your committee respectfully recommend the allowance of pension at the rate of \$12 per month.

H. R. 15349. William B. Banks, Cane River, Yancey County, N. C., served in Captain Kelsey's independent company, North Carolina Mounted Militia, from March 2, 1838, to July 11, 1838, in the Cherokee Indian war, and he is now receiving the pension of \$8 per month allowed by law to the survivors of said war.

In a sworn statement accompanying the bill claimant sets forth he is aged 89 years; that he is wholly incapacitated for earning his support by manual labor; that he owns no real estate or personal property, and that his annual income from all sources is confined to his small pension.

There are many precedents for increasing the pensions of the survivors of early Indian wars and disturbances, in view of which the committee respectfully recommend a rating in this case of \$16 per month.

H. R. 17014. Thomas H. Rawls, Lexington, S. C., was a private soldier in Anderson's battery, South Carolina Volunteer Heavy Artillery, during the war with Spain, from May 12, 1898, to February 4, 1899, when mustered out with the battery.

The War Department records show the soldier treated from October 10 to 14, 1898, for malarial fever; from November 27 to December 3, and December 11 to 13 and 24 to 27, 1898, for malarial fever, intermittent.

On examination, January 27, 1899, preliminary to discharge, the soldier claimed no cause of disability, but the examining surgeon found "varicocele left testicle; contracted previous to enlistment."

On December 2, 1908, the soldier applied for pension on account of chronic malaria, causing muscular rheumatism. He was examined by the board of surgeons at Columbia, S. C., January 6, 1909, whose certificate disclosed a clean bill of health—no malaria, no rheumatism—except varicocele left scrotum, and "inguinal glands palpable, chronic congestion of pharynx; no other evidence of disease (venereal)."

The claim was rejected February 5, 1909, because a ratable degree of disability was not shown from the alleged causes.

Evidence was filed to show that when the soldier came home from the army he was sick with fever, with stiffness of joints, and was complaining of pains in the back, such condition continuing thereafter.

A physician testifies to treatment from November, 1905, for chronic malaria.

It was also stated by one witness that the soldier took treatment at the Arkansas Hot Springs for rheumatism in 1907.

With the bill is an affidavit by a physician, who states that the soldier is afflicted with chronic malaria and sciatic rheumatism.

A layman testifies that the soldier is physically unable to perform manual labor on account of rheumatic troubles.

The soldier states that he owns a farm of 136 acres, worth about \$2,000, and a gross income from it of about \$1,200, but no net income.

Considering the evidence as a whole, your committee think the case established and recommend the allowance of pension at the rate of \$12 per month.

H. R. 17662. Denver D. Barnes, 1913 Lackawanna street, Superior, Wis., served as a private soldier of Troop M, Eleventh U. S. Volunteer Cavalry, during the war with Spain, from September 7, 1899, to March 13, 1901, when he was mustered out with the troop.

On February 14, 1906, the soldier applied for pension on account of chronic dysentery. He was examined by the board of surgeons at Salem, S. Dak., August 1, 1906, and on December 3, 1906, the claim was rejected on the ground that a pensionable degree of disability from the alleged cause had not existed from the date of filing.

Testimony to reopen the claim was subsequently filed, but reopening was denied because the evidence was not regarded as sufficient to warrant that action.

Appeal was then taken and under date of November 12, 1907, the department sustained the bureau action of rejection.

On April 1, 1909, another application was made which, after a medical examination made July 7, 1909, by the board of surgeons at Superior, Wis., was rejected August 27, 1909, because of no disability from dysentery and disease of stomach, a newly alleged cause.

An affidavit to procure the reopening of the claim was filed December 9, 1909, but on December 16, 1909, reopening was denied on the insufficiency of the evidence.

In his petition the applicant alleges severe disability from bowel trouble, as well as distressed financial circumstances, and has filed testimony corroborative thereof.

Dr. J. L. Reeve testified to treatment since May, 1909, for chronic bowel disease and diarrhea, alternating with constipation. That testimony covers the time when the soldier was last examined by a board of surgeons.

During his service the soldier was treated from October 23 to November 25, 1899; December 21 and 23, 1899; March 13, 1900; March 16 to April 30, 1900; and May 23 to June 8, 1900, for causes not pensionable. He was treated August 10 to 15, 1900; December 31, 1900, to January 4, 1901; and January 18 and 19, 1901, for acute diarrhea.

In a statement made March 4, 1901, preliminary to discharge, the soldier said he had no disability of any character, and a surgeon certified that he had examined him and found no disability from any cause.

In his petition the applicant states that—

About March 3, 1910, his regiment landed at Presidio, Cal., and that while in camp at said place until the time of his discharge, on the 3d of March, 1901, affiant was relieved from all duty and stayed in bed by order of the surgeon; that at the time of his discharge, on the said 13th of March, affiant had from five to sixteen passages of the bowels in twenty-four hours; that if affiant signed any paper about that time that he was physically sound and not suffering from any disease or disability that he did so unknowingly and unwittingly.

The evidence in the case fails to show disease at discharge or thereafter until the fall of 1902; but upon consideration of all the evidence your committee think the alleged disability is established as of service origin, and they respectfully recommend the allowance of pension at the rate of \$12 per month.

H. R. 18727. James Bond, 3616 Fifth avenue, Pittsburg, Pa., has an honorable record as a fireman, first class, United States Navy, having enlisted for the war with Spain April 26, 1898. He was honorably discharged February 7, 1899, his services being no longer required.

He made application for pension December 9, 1905, alleging that in the month of June, 1898, he incurred an injury of the left elbow and hand. The claim was rejected April 16, 1906, on the ground that there was no record at the department and no medical or other evidence to show origin of the alleged injury in the service or its existence at discharge.

The official records show enlistment at League Island, Pa., and service U. S. S. *Richmond* to May 2, 1898; *St. Paul* to August 23, 1898; *Richmond* to October 4, 1898; *Massasoit* to November 15, 1898; and *Richmond* to February 7, 1899, and state that he was physically qualified for reenlistment.

The medical records show treatment June 11 to 14, 1898, pharyngitis; August 9 to 23, 1898, dysentery, due to exposure to climatic conditions off the coasts of Cuba and Porto Rico.

Medical examination was had under the claim by the board at Allegheny City, Pa., February 28, 1906, who reported that there was atrophy of the muscles of left forearm, the grasp of the hand lessened in power, and a recommendation of an allowance of \$4 per month resulted.

Sailor stated in his claim for pension that about the 1st of June, 1898, while firing he struck his elbow against the bulkhead plates; that he mentioned the matter to no one at the time, received no treatment, and could not supply evidence to corroborate his statement; also that the arm and hand grew gradually worse and in consequence its use was practically lost.

The evidence filed with the bill shows medical treatment by Dr. J. Carl Hornecker for aggravated neuritis affecting the functions of left arm in the year 1901, and that treatment for same has continued without relief. Doctor Hornecker also states:

As far as I am able to judge his case, would say that James Bond had been afflicted with neuritis for several years previous to the beginning of his treatment.

Robert S. Walter, M. D., states in a letter under date of February 25, 1910, that the soldier was under his care about ten years ago suffering from neuritis in the left arm, which incapacitated him from work and was exceedingly painful.

A petition dated February 21, 1910, and signed by 8 persons in Pittsburg and McKeesport, Pa., contains the statement that the petitioners remember that at that time (when discharged from the navy) the sailor complained of an injury to his left arm, received whilst on the *St. Paul*; that they did not regard it as serious until sometime later when it got so bad he went to a sanatorium for treatment.

William Harrison writes, under date of February 15, 1901, that the sailor—

When he was stationed at League Island a month or more before he was discharged he told me of the blow he received on his arm on the *St. Paul*. Also a month or six weeks after he was discharged I remember one occasion * * * he complained of his inability to lift with his left arm. * * * His arm got worse slowly until some months later, when he had to go to a sanatorium.

There are also lay affidavits, including that of the wife of the claimant, from which it is apparent that he has been unable to do any

work for the support of himself and family during the past five years, but is dependent for maintenance and medical treatment upon friends and relatives, and that he has no property or income.

From the evidence in this case it appears to be reasonably well established that the affection of the left arm was due to the sailor's service, as alleged, and your committee respectfully recommend allowance of pension therefor at the rate of \$12 per month.

H. R. 19316. John Armstrong, Highland Falls, N. Y., was a private soldier in Company I, First Regiment Pennsylvania Volunteer Infantry, from June 14 to October 26, 1898, and of Companies B and E, First and Second Battalions of United States Engineers, from November 16, 1898, to November 15, 1901, when discharged as first-class private. Both terms of service were during the war with Spain, and the last one in the Philippine Islands.

On March 11, 1902, the soldier applied for pension on account of deafness of right ear, varicose veins of legs, rheumatism, and impaired vision.

During service soldier was treated February 13 to 16, 1899, for acute diarrhea; June 8 to 11, 1899, slight contusion left knee, from stepping through hayrack; October 11 to 14, 1901, abscess, acute, right mammary region, lower outer quadrant, cause unknown; all in line of duty.

The records of physical examination at first enlistment, negative; at second, show varicose veins, both upper back legs. The examination made preliminary to first discharge, negative.

That claim was rejected November 19, 1905—rheumatism, impaired sight and hearing—on the ground of no record, medical or other satisfactory evidence of existence in service or at date of discharge, and varicose veins because of existence prior to service.

Reopening has three times been denied, the last time in January, 1909.

Corpl. John P. Campbell testified that the soldier was with him in the Philippine Islands several months and during that period he had abscess in his left ear; that the witness moved his cot away from the soldier on account of the offensiveness of the matter running from the ear; also that he was bothered with rheumatism and used liniment to assuage the pain; and that his hearing was so impaired that he had to shout in order to make him hear.

John D. St. John, who also served with the soldier, states that he very often complained of pains in legs and left side of head; was apparently deaf in his left ear, stiff in his walk, and was crippled and stooped. That, the witness stated, was the soldier's condition from February to September, 1901.

Medical testimony shows the existence of rheumatism and treatment therefor since January, 1902.

A druggist has testified to having furnished the soldier medicines for rheumatism and varicose veins since about January 5, 1902.

Lay testimony shows continuance of the rheumatic troubles from discharge.

A medical examination made July 2, 1902, described varicose veins of both legs, impaired vision of both eyes, and impaired hearing of both ears—rated \$4 for left ear. The board found no ratable disability from rheumatism described as muscular.

Another examination, made September 20, 1905, found slight deafness, stating that he could hear ordinary conversation with right ear at 10 feet, loud conversation at 2 feet with left ear, and ordinary conversation with left ear not at all.

Varicose veins rated at \$4; rheumatism rated at \$6; vision impaired, but remedied by glasses.

Lay and medical testimony filed with the bill shows the petitioner a man of excellent reputation, with impaired condition of health due to rheumatism, varicose veins, and impaired hearing and vision, utterly unfitting him for performing manual labor, requiring the constant aid and attendance of another person, and without any means of support.

The history of this case leads your committee to the conclusion that the alleged impaired hearing and rheumatism were contracted in service and line of duty, and they respectfully recommend the allowance of pension at the rate of \$12 per month.

H. R. 19809. Frank Kubacki, 730 Third avenue, Milwaukee, Wis., was a private soldier of Company K, First Regiment Wisconsin Volunteer Infantry, from April 28 to October 20, 1898, during the war with Spain. The most of that period of service was performed at Jacksonville, Fla.

On October 24, 1906, the soldier applied for pension, claiming to have had malarial fever or typhoid fever, resulting in malarial poisoning and locomotor ataxia, in August, 1898.

A notation on the muster-out roll shows: "Sick May 23 to 30 and August 23 to 26, and in hospital August 27 to 31, and in quarters September 1 to 6, 1898, in line of duty."

The medical records show: "August 27 to 30, 1898, malarial fever, intermittent, tertian, in line of duty."

At examination, October 14, 1898, preliminary to discharge, the soldier claimed to have "stomach trouble," contracted at Jacksonville, Fla., from "bad weather." His captain said he had "no appetite," the effects of fever, and the major and surgeon of the Second Wisconsin Volunteer Infantry certified that he had examined him and found "intestinal indigestion," partially disabling him, but not permanently.

The claim was rejected February 21, 1910—typho-malarial fever, or poisoning—on the ground of no disability therefrom since date of filing; and locomotor ataxia, because of no record; and the claimant's failure and evident inability to show by medical or other competent testimony that such disease originated in service, existed at discharge, or for some years thereafter.

The soldier was examined by a board of surgeons at Milwaukee, Wis., December 12, 1906; that board found no evidence of typhoid or malarial fever. They found and rated spinal sclerosis (locomotor ataxia), and recommended a rate of \$30.

In an affidavit made in 1907 the soldier claimed that from a severe wetting in a rain storm, in July, 1898, he contracted cold, which he believed settled in his bones, more particularly in his legs, causing pains and stiffness. On his arrival at home about September 10, 1898, he called in Doctor Sayle, and ever since he has suffered with pains in his legs, particularly the right one; that he was led to believe that the pain and stiffness was due to rheumatism, and he was treated for that cause, and not until March 18, 1904, did he have to go bed, and not until June, 1905, was he informed that his disability was locomotor

ataxia, which he is informed and believes is the result of the cold he got in service.

The soldier's captain testified that he was sick in service, but he does not know with what disease. He describes the location of the camp as a very unhealthy one and the exposure therein severe, and says many soldiers were sick with typhoid, malaria, and other diseases.

One comrade says that he (the witness) had malarial fever, and he believes the soldier also had it.

Another one states that he himself had typhoid malarial fever and has some recollection of the soldier having it.

Another comrade describes the insanitary condition of the camp and the bad weather, and says the soldier had fever at Jacksonville and was confined to his tent for about two weeks.

Another comrade says the soldier was ill about August 1, 1898, with, as he believes, "typhoid malaria and kindred ailments," as when he was discharged from hospital he was weak and was observed limping on the right leg ever since discharge; that he became stiff and some time afterwards used a cane to walk with.

The second lieutenant of the company described the camp at Jacksonville as very unsanitary, and said the soldier became ill about July 20, 1898, and to the best of his knowledge and belief he had typhoid fever, from the effects of which he is still suffering, being now (January, 1910) unable to walk without assistance.

The hospital steward states that the soldier reported for treatment for malarial fever every day from July 14 to August 27, and his temperature on the last-named day was 102 $\frac{1}{4}$.

Robert G. Sayle, M. D., stated (December 3, 1909) that he knew the soldier about a year and a half before enlistment, and he was apparently in good health, although he never examined him; that he was called to treat him September 12, 1898, at his father's home; he was then feeble and confined to bed, complaining of chills and fever and of being tired. He gave a history of typhoid fever and malaria, and the witness considered his troubles that day as a late manifestation of malaria. The witness saw the soldier the next day (September 13), and not again in a professional capacity until called to see him April 24, 1904, although he had seen him frequently when in attendance upon other members of the family, and was aware that he had not been in perfect health, having complained of what was supposed to be rheumatic pains in the abdomen and lower limbs. On April 24, 1904, he was complaining of pain in his right leg and hip, difficulty in urination, suffering from obstinate constipation; saw him April 27 and 30, May 7, 20, 21, and 29, 1904, and concluded he had a serious spinal affection, and sent him to consult a nerve specialist. The witness diagnosed the case as locomotor ataxia, and believed the cause to be infection with malaria and typhoid fever and exposure while in the army. Has been unable to do any labor since April 24, 1904.

From the foregoing history of this case your committee are of the opinion that the alleged locomotor ataxia is a result of the soldier's military service, and they recommend the allowance of pension at the rate of \$30 per month.

H. R. 20185. Harriet P. Lemly, The Cliffbourne, Calvert street, Washington, D. C., is the widow of the late Lieut. Commander Samuel C. Lemly, U. S. Navy.

The officer was born in Salem, N. C., appointed a midshipman June 26, 1869, and thereafter rendered active, continuous, and distinguished service through the successive grades to that of captain and Judge-Advocate-General. He was transferred to the retired list June 17, 1902. His death occurred at Washington, D. C., September 4, 1909, from a cause incurred in the line of duty.

Mrs. Lemly is a pensioner under the general law at the rate of \$30 per month, the highest pension allowed under existing law. She was married to the officer December 17, 1890, and is aged 41 years. She states, in a sworn petition accompanying the bill, that she owns no real property and that her income, including her pension, is \$435 per annum; the amount in excess of the pension of \$360, being derived from certain shares of stock, the aggregate value of which is about \$5,800.

The distinguished service of the petitioner's late husband, together with her moderate circumstances, makes this case similar to many which have received the favorable consideration of Congress. Your committee therefore respectfully recommend the allowance of pension at the rate of \$50 per month.

H. R. 21401. John M. Bates, Bunker, De Soto County, Fla., served in Capt. E. E. Mizell's company, Florida Mounted Volunteers, from July 22, 1849, to October 23, 1849, and from January 26, 1856, to June 6, 1857, in the Florida Indian war. He is receiving a pension of \$8 per month under the act of June 27, 1902.

In an affidavit accompanying the bill claimant sets forth that he is aged 78 years; that he is partly incapacitated for earning his support by manual labor by reason of loss of left leg just below the knee; that he owns 40 acres of land and about 20 cattle, of the total value of \$500; and that his annual income from all sources is the amount of his pension and about \$50 from cattle.

There are many precedents for the proposed legislation, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 21960. Charles E. Herrington, West Chazy, N. Y., late private of Company C, Tenth Pennsylvania Volunteer Infantry, during the war with Spain, is pensioned under the general law at the rate of \$17 per month, on account of chronic diarrhea and disease of rectum.

The soldier applied for an increase July 9, 1909, and after medical examination made September 7, 1909, the claim was rejected, October 21, 1909, on the ground that evidence failed to show disability from the pensioned cause warranting a higher rating. The board of surgeons at the examination mentioned recommended a \$17 rate.

Evidence filed with the bill shows the pensioner unable to perform manual labor due to the pensioned causes and the loss of the left leg at the hip joint. It shows also that he is without any means of support for himself and family—a wife and one child—except his pension.

W. E. Clough, M. D., states that he has been soldier's physician for about two years, and that he is frequently laid up for days and weeks at a time on account of chronic diarrhea and disease of rectum; also that the only support he has is his pension and the little work his wife can do when not caring for him. The witness describes the soldier's serious condition from the diseased condition due to the wound causing the loss of the leg.

The soldier, after his discharge from the Pennsylvania regiment, August 22, 1899, served in Company H, Fifth U. S. Infantry, from July 23, 1900, to March 23, 1906, when discharged on account of disability—loss of left leg. The record shows that—

The soldier was granted a pass from 12 o'clock m. on November 18, 1905, to 7 p. m. November 19, 1905, for personal privileges, i. e., to visit the home of his wife's relatives at West Chazy, N. Y., and that while on said pass on the night of November 18, 1905, he was injured by the accidental discharge of a gun in the hands of one Walter H. Robinson, the contents of the gun striking him in the left thigh. The board of officers, called for the purpose of investigating the circumstances attending the incurrence of the injury, found that "the injury was due to no fault, neglect, or carelessness on the part of Private Herrington."

A claim for pension for the loss of leg was rejected on the ground that the wound causing the amputation was not received in line of duty.

Following the conclusions of the board of officers who investigated the circumstances under which the soldier received the injury resulting in the amputation of the left leg, your committee are of the opinion that pension should be allowed for that disability, and that for the combined causes the rate should be \$30 per month, and they so recommend.

H. R. 22292. Clair R. Black, Port Huron, Mich., was a corporal in Company F, Thirty-third Michigan Volunteer Infantry, during the war with Spain, from April 26 to December 20, 1898, when honorably discharged with his company. During July and August the soldier was in Cuba, and from September 5 to November 3 he was on furlough.

On March 1, 1899, the soldier applied for pension on account of catarrh of head and throat, pains, and rheumatism.

That claim was rejected February 2, 1901, on the ground of no disability since date of filing. That action was affirmed on appeal March 31, 1903.

On February 24, 1908, the soldier again applied for pension, claiming disability from the previously alleged causes and malarial poisoning and dysentery.

That claim was rejected December 13, 1909, on the ground of no record of the origin or existence of the alleged disabilities in service and because upon examination preliminary to discharge the soldier declared he had no disability and for the further reason that any disability from said disabilities existing at and since date of filing are not shown to have originated during service.

The first examination by a board of surgeons was made in New York City July 18, 1900. That board found catarrh of nose and recommended a rate of \$4; they found no rheumatism, but described a rapid and irritable heart, rating that at \$2.

An examination made April 15, 1908, at Port Huron, Mich., recommended ratings: For catarrh of head and throat, \$2; rheumatism, \$4; dysentery, \$4; malaria, \$8; and an examination for catarrh by an expert, June 26, 1909, described that disease as existing, but did not make a rating in figures.

On May 20, 1908, the medical referee expressed the opinion that nasopharyngeal catarrh (catarrh of head and throat), rheumatism, and malarial poisoning could not be rejected on medical grounds.

There is medical evidence by a physician, Doctor Duff, who was an enlisted man in the company, showing the origin of the alleged causes of disability in service.

Another physician, Doctor Stephenson, who was sent to Cuba by Governor Pingree, of Michigan, to look after the Michigan soldiers, states that the soldier was one of the first sick men he saw of his regiment, and that he then (August 18 to 21) was suffering from malarial poisoning, chills and fever, dysentery, and gastritis. Also, that he gave him treatment for rheumatism and dysentery at Montauk Point, N. Y., on September 3, 1898.

Doctor Duff testified to treatment at intervals every year from June, 1899, to the date of his deposition in February, 1909, for the various diseases.

Doctor Stephenson also testified that he examined the soldier February 19, 1899, and diagnosed hypertrophy concentric of the heart, and enlarged and indurated liver, and objective symptoms of rheumatism affecting his back and lower limbs, and a little dysentery. He also treated him at different times during the year 1899, and once in 1902, and in 1904. He gives it as his opinion that the soldier has been fully disabled from manual labor each year since his army service and from causes due to that service.

Another physician, Doctor Cate, treated the soldier in September, 1898, for stomach trouble, rheumatism, and heart trouble. He treated the soldier in September, October, November, and December, 1898; in March and December, 1904; in May and June, 1905; and in June, 1906. The prescriptions filled show remedies for catarrh, rheumatism, dysentery, and kidney disease.

In explanation of the lack of medical record it is stated by reliable witnesses that the medical officers of the command were somewhat disorganized and that Doctor Duff actually did render most of the medical aid that was given the sick of his company in Cuba, and that few, if any, records were kept.

In addition to the evidence of the physicians showing the existence of the alleged disabilities in service, several comrades, including the second lieutenant of the company, testify to the same state of facts.

After careful consideration of all the evidence in this case your committee are of the opinion that it is reasonably well established that the soldier's military service was responsible for some of the disabilities alleged, and they recommend the allowance of pension at the rate of \$12 per month.

H. R. 22344. James P. H. Wilson, Maringouin, Iberville County, La., served in Captain Grumble's company, Texas Rangers, from August 20, 1849, until honorably discharged February 26, 1850, in the Texas and New Mexico Indian war, and he is receiving a pension of \$8 per month, allowed by law to the survivors of said war.

In a sworn statement accompanying the bill claimant sets forth that he is aged 83 years; that he is wholly incapacitated for earning his support by manual labor by reason of old age and partial paralysis; that he owns no property, real or personal, and that his annual income from all sources is limited to the amount of his small pension.

In view of the age and poverty of the claimant and following the precedents in many cases of the survivors of early Indian wars and dis-

turbances, the committee respectfully recommend an allowance of \$16 per month in this instance.

H. R. 22348. David McFadden, Crawford, McLennan County, Tex., served in Captain Grumble's company, Texas Mounted Volunteers, from March 2, 1850, to September 2, 1850, and from September 5, 1850 (Captain Bagby's company), to March 5, 1851, in the Texas and New Mexico Indian war. He is receiving the pension of \$8 per month allowed by law to the survivors of said war.

In an affidavit accompanying the bill, claimant sets forth that he is aged 79 years; that he is wholly incapacitated for earning his support by manual labor; that he owns a house and five lots of the total value of \$500, and that his annual income from all sources is limited to the amount of his small pension.

There are many precedents for increasing the pensions of survivors of the early Indian wars and disturbances, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 22349. William A. White, Belton, Bell County, Tex., served as a corporal in Capt. John H. Brown's company, second detachment, Texas Volunteers, from July 1, 1859, to September 4, 1859, and he is receiving a pension of \$8 per month under the act of May 30, 1908.

In an affidavit accompanying the bill, claimant sets forth that he is aged 75 years; that he is partially incapacitated for earning his support by manual labor by reason of age and being crippled in one hand to the extent that he can not use the hand; that he owns real estate of the value of \$500; and that his annual income from all sources is \$150.

There are many precedents for increasing the pensions of participants in early frontier defenses during Indian disturbances, and a rating of \$16 per month is therefore respectfully recommended in this case.

H. R. 22748. James F. Wright, Abilene, Taylor County, Tex., served in Capt. H. E. McCulloch's company, Texas Mounted Volunteers, from November 5, 1850, to May 5, 1851, in the Texas and New Mexico Indian war. He is receiving the pension of \$8 per month, the rate allowed by law to the survivors of said war.

The soldier is shown to be aged 78 years, and in a sworn statement accompanying the bill he sets forth that he is incapacitated for earning his support by manual labor; that he owns no real or personal property, and that his annual income from all sources is limited to the amount of his small pension.

In consideration of the age and poverty of the claimant, and following many precedents in similar cases, the committee respectfully recommend a rating of \$16 per month in this instance.

H. R. 22750. Israel S. Standefer, Roscoe, Nolan County, Tex., served in Company E (Captain Travis) Mounted Battalion, Texas Volunteers, from December 11, 1854, until honorably discharged April 1, 1855, and he is receiving a pension at the rate of \$8 per month, based upon said service.

In a sworn statement accompanying the bill, claimant sets forth that he is aged 75 years; that he is incapacitated for earning his support by manual labor; that he owns real and personal property of the

total value of \$380, from which he derives no income, and that his annual income from all sources is limited to the amount of his small pension.

There are many precedents for increasing the pensions of the soldiers who participated in the defense of the frontiers, and a rating of \$16 per month is respectfully recommended in this case.

H. R. 22752. Levi D. Ladd, Eastland, Eastland County, Tex., served in Capt. J. S. Ford's first company, Texas Volunteers, from January 10, 1858, to July 10, 1858, participating in the defense of the frontier, and he is receiving the pension of \$8 per month, under the act of May 30, 1908.

In an affidavit accompanying the bill, claimant sets forth that he is aged 70 years; that he is incapacitated for earning his support by manual labor; that he owns two vacant lots in the town of Eastland, Tex., valued at \$67.50; and that his annual income from all sources is limited to the amount of his small pension.

There are many precedents for increasing the pensions in cases of survivors of the early Indian wars and disturbances, and a rating of \$16 per month is respectfully recommended in this instance.

The passage of the bill is respectfully recommended.

On page 1, strike out all of lines 6 to 10, inclusive, and lines 1 and 2 on page 2. This is the case of Mayme M. Lacourciere (H. R. 1428). In this case the soldier husband died, as shown by the evidence on file in the Pension Office, of stone in the kidneys, and appendicitis, which could hardly be considered to be of service origin, although the soldier did have some stomach trouble during service. Your committee do not believe that evidence that disease was due to service is sufficient to grant a pension, hence recommend that the item be stricken from the bill.

On page 2, line 9, strike out the word "twelve" and insert in lieu thereof the word "eight." This is the case of Lawrence A. Bagby (H. R. 11914). In this case the soldier has been unable to prove incurment of disability in the service. He was not totally disabled at the time of last examination in 1907. Your committee are of the opinion that the rate of \$12, as allowed by the House, is a high rate for the disability shown, and hence recommend a reduction to \$8 per month.

On page 2, strike out all of lines 15 to 20, inclusive. This is the case of Antonia Feldman (H. R. 14345). In this case the soldier husband served in the Regular Army. His death, as shown by the records, was from pneumonia, and your committee can not connect death from acute disease like pneumonia with service of some fourteen years prior. Pension in this case would practically be pension for regular army service, hence your committee recommend that the item be stricken from the bill.

On page 3, strike out all of lines 10 to 13, inclusive. This is the case of Rachel Savage (H. R. 15009), widow of a soldier of the war of 1812. She drew a pension, but was dropped from the rolls by reason of immoral conduct. She is now an old woman, and it is stated that she is leading an upright life, but the allowance of a pension in her case would practically be nullifying the laws requiring the dropping of pensioners from the rolls upon proof of immorality, and your committee therefore recommend that the item be stricken from the bill.

On page 3, strike out all of lines 9 to 21, inclusive. This is the case of Thomas H. Rawls (H. R. 17014). In this case soldier has been unable to prove his disability, if any, due to service. He has a farm of 136 acres which brings him an income of \$1,200 per year. It does not appear that he is either destitute or wholly disabled, and a pension in his case would be wholly for service and not for any disability incurred in service or for destitution, hence your committee recommend that the item be stricken from the bill.

On page 3, strike out all of lines 22 to 25, inclusive. This is the case of Denver D. Barnes (H. R. 17662). The soldier applied for pension in 1906. Upon examination he was rejected on the grounds that no ratable degree of disability was shown. He made another application in 1909, and examination showed that he had no ratable degree of disability from disease claimed. Upon this examination showing no ratable degree of disability your committee do not believe it is a case which merits congressional action, hence the item is stricken from the bill.

On page 4, strike out all of lines 11 to 14, inclusive. This is the case of Harriet P. Lemly (H. R. 20185). The beneficiary is now drawing a pension of \$30 per month. The House allows \$50 per month, which is \$10 more than the rules of your committee would allow for the widow of an officer of that rank. Neither does it appear that she is destitute, hence your committee recommend that the item be stricken from the bill.



